

UNITED STATES DISTRICT COURT

for the
District of New MexicoFILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 04 2022

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 22-MR-11

The Person of LEONARD LEWIS, YOB 1956

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 USC Section 2243(a) and 2246(2)(A)	Sexual Abuse of a Minor
18 USC Section 1153(a)	Crimes Committed in Indian Country

The application is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 1/4/2022

City and state: Farmington, New Mexico

Applicant's signature

Printed name and title

Judge's signature

B. Paul Briones U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

LEONARD LEWIS
Year of birth: 1956

Case No. _____

AFFIDAVIT IN SUPPORT OF SEARCH
WARRANT

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, William H. Berry Jr., being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed as such since July 2017. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility in crimes that occur in Indian Country, including violent crimes such as homicide, crimes against children, sexual abuse of a child, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes for which the FBI investigates in the San Juan County area of New Mexico. The information set forth in this affidavit has been derived from an investigation conducted by myself, Shiprock Criminal Investigator (CI) Jerrick Curley, Navajo Department of Criminal Investigations, and/or communicated to me by other law enforcement officers regarding the sexual abuse of a minor that occurred between March 2021 and April 2021, in the area of Shiprock, New Mexico, which is located within the exterior boundaries of the Navajo Nation Indian Reservation.

2. This investigation concerns alleged violations of United States Code, 18 U.S.C. §§ 2243(a) and 2246(2)(A), Sexual Abuse of a Minor, as well as 18 U.S.C. §§ 1153(a) Crimes Committed in Indian Country.

3. On the morning of November 5, 2021, the Farmington Resident Agency (FRA) of the FBI was notified by the Navajo Department of Criminal Investigation (NDCI) of the alleged sexual abuse of Jane Doe, Navajo female, year of birth (YOB) 2005, by Leonard Lewis, Navajo male, year of birth 1956.

4. Later that same afternoon, Jane Doe's mother, Q.J., YOB 1986, was interviewed at The FBI FRA in Farmington, New Mexico. During the interview, Q.J. identified that her daughter, Jane Doe, had her 16 year old check up a few days earlier at the Northern Navajo Medical Center (NNMC), Shiprock, New Mexico. The medical staff called Q.J. and request she return with Jane Doe to go over her findings from the check up at NNMC. One of the doctors spoke with Jane Doe and provided her the opportunity to tell her mother that she was pregnant. Due to the embarrassment the medical staff notified Q.J. of Jane Doe's pregnancy. While driving home, Jane Doe disclosed to her mother that the only person she had sexual intercourse with was the family's medicine man, Leonard Lewis, on three occasions around March 2021. The three occasions occurred prior to Jane Doe's 16th birthday. During the assault, Jane Doe was living with her grandmother.

5. On November 22, 2021 Jane Doe disclosed to a FBI Child Adolescent Forensic Interviewer (CAFI) that the family medicine man, Leonard Lewis, told Jane Doe's grandmother to bring her by his house to perform traditional Navajo "ceremonies" in March 2021. The first ceremony was held within his residence in Shiprock, New Mexico where he conducted the ceremony. He requested she come back for further ceremonies. When she returned the following day Lewis tried making her sign a document that would prevent him from getting in trouble for anything he did during the ceremonies. Lewis told Jane Doe that if she told anyone his reputation would be tarnished and the "ceremony" wouldn't work. She refused to sign it, but he proceeded

forward anyway. During this ceremony, he asked her to take off her pants and lay on a bed within a recreational vehicle (RV) behind his trailer. Lewis applied “medicine” to his own penis and began to penetrate her vagina defined in United States Code Title 18 § 2246(2)(A) as contact between the penis and the vulva. Jane Doe identified Lewis thrusting back and forth until he was done “cumming” inside of her. Lewis instructed Jane Doe not to tell anyone or he would get in trouble. Lewis had Jane Doe return on two additional occasions in which he conducted similar “ceremonies” where he would place “medicine” on his penis and insert the medicine into her vagina with his penis.

6. After the fourth “ceremony” Jane Doe told her grandmother what happened with Lewis out of fear of being taken back. Jane Doe’s grandmother refused to take Jane Doe back to the medicine man and refused to disclose the sexual assault to Jane Doe’s mother due to fear of making the mother upset. Jane Doe’s grandmother passed away on August 31, 2021 in which Jane Doe began to reside with her biological mother, Q.J. At the time of the sexual acts, Jane Doe had attained the age of 12 years but had not attained the age of 16 years. She was furthermore at least four years younger than Lewis, who was 65 years old.

7. Jane Doe believed Lewis to be between the age of 50 and 69 based off of age. She knows that he lives with a much younger girlfriend who looks to be in her 20’s with three of their kids. Lewis was aware of Jane Doe’s age, because at a community event, weeks before the first “ceremony” by Lewis, he approached her saying that she looked like she was in her 20’s. She replied no and that she “is underage”.

8. On December 22, 2021 Jane Doe gave birth to a baby girl at the University of New Mexico Hospital via emergency cesarian section. On December 30, 2021, your affiant obtained a consent to search for deoxyribonucleic acid (DNA) from the baby identified to be from Lewis.

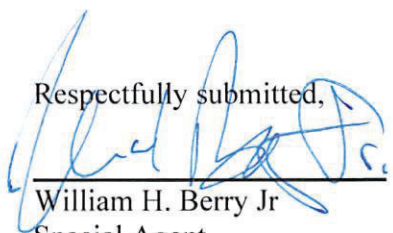
CONCLUSION

9. Your affiant believes that probable cause exists that evidence of the crime of Sexual Abuse of a Child in Indian Country, a violation of 18 U.S.C. §§ 1153(a), 2243(a) and 2246(2)(A), may be found by collecting DNA evidence from the person of Leonard Lewis in the form of saliva with a buccal swab and blood with a finger prick, along with a known head hair sample from the person of Leonard Lewis consisting of twenty-five (25) full-length hairs from all areas of the scalp. Once these items are collected from the person of Lewis, they will be sent to the FBI Laboratory for the purpose of comparing his DNA and hair sample with the unknown DNA and hairs that were found on the evidence items collected at the crime scene.

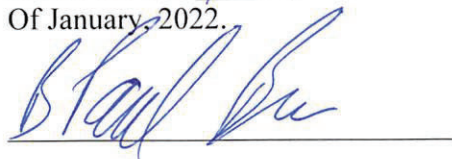
10. Your Affiant swears this information to be true and correct to the best of his knowledge and belief.

11. Supervisory Assistant United States Attorney Kyle Nayback, United States Attorney's Office, District of New Mexico, reviewed this affidavit and approved the search warrant.

Respectfully submitted,


William H. Berry Jr
Special Agent
Federal Bureau of Investigation
Farmington, New Mexico

Subscribed and sworn to
Before me this 4th day
Of January 2022.



B. Paul Briones, US Magistrate Judge 4

ATTACHMENT A

The person of LEONARD LEWIS, Year of Birth 1956.

ATTACHMENT B

1. DNA evidence in the form of saliva with a buccal swab and blood with a finger prick, along with a known head hair sample consisting of twenty-five (25) full-length hairs from all areas of the scalp from LEONARD LEWIS.
2. Photographs of LEONARD LEWIS.